

Nos. 2024-1538; 2024-1826

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

JACKIE EASLICK, LLC, JE CORPORATE LLC

Plaintiffs-Appellants,

v.

ACCENCYC US,

Defendant-Appellee

CJ EMERALD, ET AL.

Defendants

Appeals from the United States District Court
for the Western District of Pennsylvania,
District Court No. 2:23-cv-02000-WSS
Judge William S. Stickman, IV

APPELLEE'S CONSENTED MOTION TO
EXTEND TIME TO FILE APPELLEE'S BRIEF

Timothy A. Duffy
Law Office of Timothy A. Duffy, P.C.
725 W Orchard Cir
Lake Forest, IL 60045
847-530-4920

Counsel for Appellee

Appellee AccEncyc US respectfully requests an extension of the time to file its brief, currently due December 30, 2024, until January 30, 2025.

This motion is being filed more than seven days before the deadline sought to be extended as required by Fed. Cir. R. 26(b)(1). Appellants have consented to the relief sought in this motion.

These two appeals were filed on March 6 and May 20, 2024, and consolidated on May 28, 2024. Appellants' brief in the lower-number appeal was originally due on May 6, 2024, but that deadline was extended three times on consented motions filed by Appellants to a final deadline of November 19, 2024, on which date Appellants' filed their brief.

Appellee seeks an additional thirty-one days to file its brief owing to its time to prepare and file its brief having moved to coincide with: (1) significant year-end compliance and other work that comprises a significant part of the practice of Appellee's counsel, a sole practitioner; (2) significant briefing and pretrial preparation work in other litigation where Appellee's counsel is lead trial counsel, *Leszczynski v. Kitchen Cube LLC*, 23-cv-01698 (filed Sept. 13, 2023, C.D. Cal.); and (3) the Christmas holiday.

This motion is supported by the attached Declaration of Timothy A. Duffy. Also attached to this motion is a Certificate of Compliance with the applicable type-volume limitations, and a copy of Appellee's Amended Certificate of Interest filed on November 21, 2024, the contents of which remains accurately as of the date of this filing.

Dated: December 9, 2024

Respectfully submitted,

s/Timothy A. Duffy_____

Timothy A. Duffy
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Lake Forest, IL 60045
847-530-4920

Counsel for Appellee

DECLARATION OF TIMOTHY A. DUFFY

I, Timothy A. Duffy, hereby declare as follows:

1. My name is Timothy A. Duffy. I am a licensed Illinois attorney, and the sole owner and only full-time employee of law firm, Law Office of Timothy A. Duffy, P.C. I am counsel for Appellee in this case, which I also represented in the district court.

2. Had the briefing in these consolidated appeals taken place without adjustment to the default briefing schedules, Appellants' brief would have been filed in late June, 2024, and Appellee's brief due in late July.

3. Appellants sought and received several extensions of time in which to file their brief, all of which were consented to by Appellee, which ultimately resulted in Appellants' brief being filed on November 19, 2024.

4. Appellee's brief is currently due December 30, 2024.

5. A considerable portion of my practice is devoted to corporate governance, structuring, and tax work for various small-business clients. As a result of this, a number of my clients have secretary of state and IRS reporting and filing requirements that must be planned and/or completed during the final weeks of the year.

6. I am also the lead trial counsel in another intellectual property case pending in the Central District of California, *Leszczynski v. Kitchen Cube LLC*, 23-cv-01698 (filed Sept. 13, 2023, C.D. Cal.), in which the parties are currently engaged in briefing summary judgment and has a number of pretrial filing deadlines in January and February of 2025, which work is also making it difficult to devote sufficient time to Appellee's brief prior to December 30, 2024.

7. The due date of December 30, 2024, also obviously falls within the holiday season, during which we all have days planned to be devoted to time away from work.

8. I have personal knowledge of the foregoing statements and declare them, under penalty of perjury, to be true and correct.

Dated: December 9, 2024

Respectfully submitted,

s/Timothy A. Duffy

Timothy A. Duffy
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Lake Forest, IL 60045
847-530-4920

Counsel for Appellee

**CERTIFICATE OF COMPLIANCE
WITH TYPE-VOLUME LIMITATIONS**

This motion complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and the Federal Circuit Rules because the filing has been prepared using a proportionally-spaced typeface and includes 785 words.

Dated: December 9, 2024

Respectfully submitted,

s/Timothy A. Duffy

Timothy A. Duffy
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Counsel for Appellee

FORM 9. Certificate of Interest

Form 9 (p. 1)
March 2023

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number 2024-1538, 2024-1826

Short Case Caption Jackie Easlick, LLC, et al. v. AccEncyc US, et al.

Filing Party/Entity AccEncyc US

Instructions:

1. Complete each section of the form and select none or N/A if appropriate.
2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
3. In answering Sections 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance.
4. Please do not duplicate entries within Section 5.
5. Counsel must file an amended Certificate of Interest within seven days after any information on this form changes. Fed. Cir. R. 47.4(c).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 11/20/2024

Signature: /s/Timothy A. Duffy

Name: Timothy A. Duffy

FORM 9. Certificate of Interest

Form 9 (p. 2)
March 2023

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input checked="" type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input checked="" type="checkbox"/> None/Not Applicable
AccEncyc US		

☐ Additional pages attached

FORM 9. Certificate of Interest

Form 9 (p. 3)
March 2023

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☒ None/Not Applicable ☐ Additional pages attached

5. Related Cases. Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

☐ Yes (file separate notice; see below) ☒ No ☐ N/A (amicus/movant)

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable ☐ Additional pages attached
